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8 California Department of Corrections and
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9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 **MEDICAL DEVELOPMENT**
14 **INTERNATIONAL, a Delaware**
15 **corporation,**

16 Plaintiff,

17 v.

18 **THE CALIFORNIA DEPARTMENT OF**
19 **CORRECTIONS AND**
20 **REHABILITATION; J. CLARK KELSO,**
in his capacity as receiver, and DOES 1
through 20, inclusive,

21 Defendants.
22

3:10-cv-00443-TEH

STIPULATION FOR ORDER AND
~~PROPOSED~~ ORDER CONTINUING
CASE MANAGEMENT CONFERENCE
SCHEDULED FOR APRIL 11, 2011 TO
JUNE 6, 2011

Hon. Thelton E. Henderson

23 Pursuant to Civil L.R. 7-12 and 16-2(e) and Paragraph Four of this Court's Standing
24 Order, the parties, by and through their respective counsel, Watt, Tieder, Hoffar & Fitzgerald,
25 LLP for Plaintiff Medical Development International ("MDI"), Futterman Dupree Dodd Croley
26 Maier LLP for Defendant J. Clark Kelso, in his capacity as the Receiver, ("Receiver"), and the
27 California Office of the Attorney General for Defendant California Department of Corrections
28 and Rehabilitation ("CDCR"), stipulate for an Order continuing the case management conference,

1 currently set for April 11, 2011 to June 6, 2011 at 1:30 p.m. This stipulation is based on the
 2 following facts:

3 1. Since the mediation session held on February 14, 2011, the parties have continued
 4 their negotiations through the mediator. The parties would like additional time to permit the
 5 defendants to obtain the necessary approvals needed to complete the mediation prior to the
 6 scheduled case management conference.

7 2. As reported in the last case management conference statement, if the mediation is
 8 unsuccessful, the parties anticipate that the scope of this case will require expanding the limits of
 9 discovery. For example, based on the information gathered thus far, the Receiver and CDCR
 10 anticipate needing to take at least 25 fact depositions. In addition, defendants intend to address
 11 with plaintiff and the Court the possibility of staging such discovery around potentially
 12 dispositive motions.

13 3. Given the complexity and cost of scheduling such discovery and possible motions,
 14 rather than dedicate the resources to exploring these issues now, the parties request that the case
 15 management conference be postponed two months to allow time for the parties to complete the
 16 mediation process.

17 4. Accordingly, the parties stipulate for an Order continuing the case management
 18 conference currently scheduled for April 11, 2011 to June 6, 2011 or as soon thereafter as the
 19 Court may deem appropriate.

20 **SO STIPULATED.**

21 Dated: March 29, 2011

EDMUND G. BROWN, JR.
 Attorney General of California
 ZACKERY P. MORAZINNI
 Supervising Deputy Attorney General

22 By: /s/ Michelle M. Mitchell
 23 Michelle M. Mitchell
 24 Deputy Attorney General
 25 Attorneys for California Department of Corrections
 26 and Rehabilitation
 27
 28

1 Dated: March 27, 2011

FUTTERMAN DUPREE
DODD CROLEY MAIER LLP

2 By: Jaime L. Dupree *MM*
3 Jaime L. Dupree
4 Martin Dodd

Attorneys for Plaintiff Medical Development
International

6 Dated: March 27, 2011

WATT, TIEDER, HOFFAR & FITZGERALD LLP

7 By: Garrett E. Dillon *MM*
8 Bennett J. Lee
9 Garrett E. Dillon
10 Sara K. Hayden

Attorneys for Plaintiff Medical Development
International

12 **[PROPOSED] ORDER**

13 Based on the foregoing stipulation of the parties, it is hereby ORDERED that the case
14 management conference currently set for April 11, 2011 be and hereby is continued to June 6,
15 2011 at 1:30 p.m. The parties shall file a joint case management conference statement on or
16 before May 27, 2011.

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18 Dated: 03/31, 2011



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